REMARKS

The Office Action dated October 5, 2007, has been received and carefully noted. The the following remarks are submitted as a full and complete response thereto.

Claims 1, 3-14, and 16-28 are currently pending in the application, of which claims 1, 14, 24, and 27-28 are independent claims. Claims 1, 3-14, and 16-28 are respectfully submitted for consideration.

Claims 1, 3-7, 12-14, 16-23, and 27 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,999,449 of Barna et al. ("Barna"). Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3-13 depend, is directed to a method including establishing an accounting session between a network element and a charging function for the session, wherein the network element includes a gateway of an internet protocol based communication system. The method also includes initiating a change in the accounting session on the initiation of the charging function. The method further includes charging for services in the communication system based on the accounting session. The initiating a change in the accounting session includes transmitting a request to update the accounting session from the charging function to the network element.

Claim 14, upon which claims 16-23 depend, is directed to a charging element including a monitor unit configured to monitor charging in an internet protocol based communication system. The charging element also includes an establishment unit

configured to establish an accounting session with an application. The charging element further includes an information unit configured to inform a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes an initiation unit configured to initiate a change in the accounting session. The initiation unit includes a transmission unit configured to receive a request to update the accounting session.

Claim 27 is directed to a charging element including monitor means for monitoring charging in an internet protocol based communication system. The charging element also includes establishment means for establishing an accounting session with an application. The charging element further includes information means for informing a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes initiation means for initiating a change in the accounting session. The initiation means includes transmission means for receiving a request to update the accounting session.

Applicants respectfully submit that Barna fails to disclose or suggest all of the elements of any of the presently pending claims.

Barna generally relates to a system and method of monitoring and reporting accounting data based on volume. Figure 1 of Barna is a signaling diagram that illustrates the flow of messages between access and accounting nodes and in IP network

when implementing a method of accounting based on the expiry of a predetermined volume of data transferred using the stop record trigger.

Referring to Figure 1 of Barna, the Office Action took the position that access server PDSN 12 corresponds to the claimed "network element," that accounting server 18 corresponds to the claimed "charging function," and that IP Network or Internet 13 corresponds to the claimed "internet protocol based communication system." The Office Action took the position that access server PDSN 12 is a gateway of IP Network Internet 13.

Claim 1 recites, in part, "initiating a change in the accounting session on the initiation of the charging function." Barna fails to disclose or suggest at least this feature of claim 1.

The Office Action took the position that this feature is disclosed by "accounting response, step 41." Applicants respectfully disagree with the Office Action's position.

Accounting response, step 41, clearly is the Accounting Server 18 responding to the Access Server (PDSN) 12, specifically to accounting request stop, step 36. Thus, accounting response, step 41, is evidently a response, not an initiation of a change in the accounting session by a charging function. Thus, Barna fails to disclose or suggest the claimed "initiating a change in the accounting session on the initiation of the charging function," as recited in claim 1.

Claim 1 also recites, in part, "wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the

charging function to the network element." Barna also fails to disclose or suggest at least this feature of claim 1.

The Office Action took the position that this feature is disclosed by Barna at step 41. However, as noted above, step 41 is not "a request to update the accounting session," it is a response to a request from the Access Server (PDSN) 12, specifically the accounting request stop message sent at step 36.

Accordingly, Barna also fails to disclose or suggest "wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element," as recited in claim 1. Applicants respectfully request, therefore, that the rejection of claim 1 be withdrawn.

In the Response to Arguments section, the Office Action took the position that "Messages 41 and 42 ... broadly read on claimed limitations 'initiating a change in the accounting session on the initiation of a charging function' and 'wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging session to the network element' respectively." This position is inherently self-contradictory, and consequently clearly erroneous.

If message 41 corresponds to the claimed "initiating a change" feature, and message 42 corresponds to "transmitting a request" (as indicated in the "Response to Arguments" section) then it is immediately apparent that message 41 does not "comprise" message 42. Accordingly, the claim limitation "wherein the initiating a change in the

accounting session comprises transmitting a request to update the accounting session from the charging function to the network element," as recited in claim 1, cannot possibly be disclosed as asserted in the Office Action.

Furthermore, the Office Action has failed to clearly identify the relevant features of the claim. As noted above, claim 1 recites: "initiating a change in the accounting session on the initiation of the charging function." The Office Action stated that "Barna discloses the PDSN beginning a new accounting session with the accounting server." According to the detailed rejection, the accounting server corresponds to the claimed "charging function." If, as the Office Action stated, the PDSN begins (which presumably is intended to mean "initiates") the session, then this is not "on the initiation of the charging function." Furthermore, "a new accounting session" is clearly not "a change in the accounting session."

Furthermore, the Office Action stated that "The accounting start message 42 transmitted from the PDSN to the accounting server to begin a new accounting session is in response to [an] accounting message received from the [] accounting server AAA 14." That account is an incorrect characterization of Barna's disclosure.

As can be seen from Figure 1 of Barna, there is a connection request 21, which is followed by an initial access process (messages 22-27). Next, there is an accounting request start process (messages 28-32), and then a period of time for which accounting remains as is (messages 34-35). After that, on initiation of the PDSN, there is an accounting request stop process (messages 36-41). Next, again on initiation of the

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PDSN, there is a second accounting request start process (messages 42-45), and a period of time for which accounting remains as is (message 46). Finally, there is (again at the initiation of the PDSN, a second accounting request stop process (messages 47-52), after which the connection is ended.

In short, it can be seen that Figure 1 of Barna in now way suggests that any change in any of the accounting sessions is initiated by the "Accounting Server 18" (or any of its component elements 14, 15, 16, or 17). In each case, any changing in accounting status is either to start a session or stop a session. Furthermore, each of those "starts" and "stops" is initiated by the PDSN not the accounting server. Accordingly, it can be seen that, contrary to the Office Action's position, Barna fails to disclose or suggest both "initiating a change in the accounting session on the initiation of the charging function," and "wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element," as recited in claim 1. Thus, the rejection should be withdrawn, and its timely withdrawal is respectfully requested.

Independent claims 14 and 27 each have their own scope. Claims 14 and 27, however, recite at least some similar features to those discussed above with respect to claim 1. Accordingly, it is respectfully requested that the rejection of claims 14 and 27 be withdrawn for similar reasons to those for which the rejection of claim 1 should be withdrawn.

Claims 3-7, 12-13, and 16-23 depend respectively from, and further limit, claims 1 and 14 respectively. Claims 3-7, 12-13, and 16-23, therefore, also recite subject matter that is neither disclosed nor suggested in the cited art. Thus, it is respectfully requested that the rejection of claims 3-7, 12-13, and 16-23 be withdrawn.

Furthermore, Applicants note, for the Examiner's convenience, that it would not have been obvious to reverse the request-response of Barna such that the accounting server 18 would send a request to the access server PDSN 12, because there is no apparent reason why one of ordinary skill in the art would so modify Barna's system. For this additional reason, Barna is insufficient to render any claim of the presently pending application unpatentable.

The Office Action did not dispute this observation, which was previously presented in the response filed July 16, 2007. Thus, this observation should be taken as admitted.

Claims 8-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barna in view of U.S. Patent No. 6,829,473 of Raman ("Raman"). The Office Action took the position that Barna discloses most of the features of the claims, but cited Raman to address certain of the further limitations of the claims. Applicants respectfully traverse this rejection.

Claims 8-11 depend from, and further limit, claim 1. At least some of the deficiencies of Barna with respect to claim 1 are discussed above. Raman does not remedy the above-identified deficiencies of Barna. Thus, the combination of Barna and

Raman fails to disclose or suggest all of the elements of any of the presently pending claims.

Raman relates generally to roaming and hand-off support for prepaid billing for wireless data networks. Raman was cited only with regard to implementation in a roaming situation. Naturally, therefore, Raman fails to disclose or suggest the features of claim 1 identified above, and the combination of Barna and Raman fails to disclose or suggest all of the elements of any of claims 8-11, whether or not Raman addresses the further limitations of claims 8-11. Thus, it is respectfully requested that the rejection of claims 8-11 be withdrawn.

Claims 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barna in view of U.S. Patent No. 6,947,724 of Chaney ("Chaney"). The Office Action took the position that Barna discloses most of the features of the claims, but cited Chaney to address certain of the further limitations of the claims. Applicants respectfully traverse this rejection.

Claim 24, upon which claims 25-26 depend, is directed to a communication system including a network element configured to control a session for the provision of services in the communication system, wherein the network element includes a gateway of an internet protocol based communication system. The system also includes an application for the session. The system further includes a control function for the session. The system additionally includes a charging function. At least one accounting session is configured to be established between the charging function and at least one of the

network element, the application, or the control function. The charging function is configured to initiate a change in the at least one accounting session by transmitting a request to update the accounting session to the network element.

Applicants respectfully submit that the combination of Barna and Chaney fails to disclose or suggest all of the elements of any of the presently pending claims.

Independent claim 24 has its own scope. Claim 24, however, recites at least some of the same features discussed above with regard to claim 1. Accordingly, at least some of the deficiencies of Barna with respect to claim 24 are, in effect, discussed above. Chaney fails to remedy the above-identified deficiencies of Barna. Thus, the combination of Barna and Chaney fails to disclose or suggest all of the elements any of the presently pending claims.

Chaney generally relates to a system and method of billing based on the reported traffic load in a telecommunications network. The Office Action cited Chaney simply to address a "communication system ... comprising an application for the session ... and a control function for the session." Accordingly, whether or not Chaney discloses such features, it is unsurprising that Chaney does not disclose or suggest the features of claim 24 identified above with respect to claim 1. Thus, the combination of Barna and Chaney fails to disclose or suggest all of the elements of claim 24, and it is respectfully requested that the rejection of claim 24 be withdrawn.

Claim 25 depends from and further limits claim 24. Accordingly, claim 25 also recites subject matter that is neither disclosed nor suggested in the combination of Barna

and Chaney. Accordingly, it is also respectfully requested that the rejection of claim 25 be withdrawn.

Claims 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barna in view of Chaney, and further in view of Raman. The Office Action took the position that Barna and Chaney disclose most of the features of claim 26, but cited Raman to address certain further limitations of claim 26. Applicants respectfully traverse this rejection.

Claim 26 depends from and further limits claim 24. At least some of the deficiencies of all the cited references with respect to claim 1 are discussed above, and the similarity between claim 24 and claim 1 is also noted above. Accordingly, it is respectfully requested that the rejection of claim 26 be withdrawn on the basis of the distinctions already noted above, and specifically because the combination of Barna, Chaney, and Raman fails to disclose or suggest all of the elements of any of the presently pending claims.

For the reasons explained above, it is respectfully submitted that each of claims 1, 3-14, and 16-28 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-14, and 16-28 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time
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